

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1134

Introduced by Assembly Member Bonilla

February 18, 2011

~~An act to amend Section 8879.61 of the Government Code, relating to transportation funding, and declaring the urgency thereof, to take effect immediately. An act to amend Section 65086.5 of the Government Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1134, as amended, Bonilla. ~~Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006: allocation of funds. Department of Transportation: project study reports.~~

Existing law requires the Department of Transportation, in consultation with transportation planning agencies, county transportation commissions, counties, and cities, to carry out long-term state highway planning. Existing law authorizes the department, to the extent that it does not jeopardize the delivery of projects in the adopted state transportation improvement program, to prepare a project studies report for capacity-increasing state highway projects. Existing law requires the department to review project studies reports performed by an entity other than the department. Existing law authorizes a local entity to request the department to prepare a project studies report for a capacity-increasing state highway project that is being proposed for inclusion in a future state transportation improvement program. If the department determines that it cannot complete the report in a timely fashion, existing law authorizes the requesting entity to prepare the report. Existing law makes specified guidelines adopted by the

California Transportation Commission applicable to project studies reports commenced after October 1, 1991.

This bill would instead authorize the department to prepare project study reports for any project on the state highway system. The bill would require project study reports to include specified project-related factors, including, among other things, cost estimates, schedule, and other information deemed necessary to form a sound basis for commitment of future state funding and project delivery. The bill would require an entity performing a project study report to reimburse the department for the cost of reviewing and approving a report for projects that are not in an adopted regional transportation plan, a voter-approved county sales tax measure expenditure plan, or another voter-approved transportation program. The bill would authorize a local entity to request the department to prepare a project study report for a state highway project that is being proposed for inclusion in a future state transportation improvement program or for funding from a regional or local funding source and would authorize the local entity to prepare the report at its own expense if the department determines that it cannot complete the report. The bill would require open and continuous communication between the department, a local entity requesting a project study report, and the regional transportation planning agency or county transportation commission. The bill would require the department, in consultation with representatives of cities, counties, regional transportation planning agencies, and county congestion management agencies, to prepare draft revised guidelines for the preparation of project study reports, as specified, and would require the department to submit the draft revised guidelines to the California Transportation Commission by July 1, 2012. The bill would require the California Transportation Commission to adopt final guidelines by October 1, 2012, and would make the guidelines applicable to project study reports upon adoption of the guidelines.

~~Existing law, implementing the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, requires specified entities receiving an allocation of the proceeds of bonds issued under the act to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated.~~

~~This bill would specify that for an allocation of the funds made prior to June 30, 2011, the entity receiving the allocation would be required to expend them within 4 fiscal years of the fiscal year in which the funds were allocated.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65086.5 of the Government Code is
2 amended to read:

3 65086.5. (a) ~~To the extent that the work does not jeopardize~~
4 ~~the delivery of the projects in the adopted state transportation~~
5 ~~improvement program, the~~ The Department of Transportation may
6 prepare a project studies report for capacity-increasing study
7 reports for projects on the state highway projects that are not
8 included in the state transportation improvement program system.
9 Preparation of the project studies report study reports shall be
10 limited by the resources available to the department for that work,
11 supplemented, as appropriate, by regional or local resources. The
12 A project studies study report shall include the project-related
13 factors of limits, description, scope, costs, and the amount of time
14 needed for initiating construction cost estimate, schedule, and
15 other information deemed necessary to form a sound basis for
16 commitment of future state funding and project delivery.

17 (b) Whenever project studies study reports for projects on the
18 state highway system are performed by an entity other than the
19 Department of Transportation, the department shall review and
20 approve the report reports. For projects that are in an adopted
21 regional transportation plan, a voter-approved county sales tax
22 measure expenditure plan, or other voter-approved transportation
23 program, the department's cost for review and approval shall be
24 at the department's expense. For other projects, the cost to the
25 department for review and approval shall be paid by the entity
26 performing the work.

27 (c) The Department of Transportation may be requested to
28 prepare a project studies study report for a capacity-increasing
29 state highway project which is being proposed for inclusion in a
30 future state transportation improvement program or for funding
31 from a regional or local funding source. The department shall
32 have 30 days to determine whether it can complete the requested
33 report in a timely fashion. If the department determines that it

1 cannot complete the report in a timely fashion, the requesting entity
2 may prepare the report *at its expense*. Upon submission of a project
3 ~~studies study~~ report to the department by the entity, the department
4 shall complete its review and provide its comments to that entity
5 within 60 days from the date of submission. The department shall
6 complete its review and final determination of a report which has
7 been revised to address the department's comments within 30 days
8 following submission of the revised report.

9 *(d) During development of project study reports for projects on*
10 *the state highway system, there shall be open and continuous*
11 *communication between the Department of Transportation, the*
12 *requesting entity, and the regional transportation planning agency*
13 *or county transportation commission.*

14 ~~(d)~~

15 *(e) The Department of Transportation, in consultation with*
16 *representatives of cities, counties, and regional transportation*
17 *planning agencies, and any county congestion management*
18 *agencies, shall prepare draft revised guidelines for the preparation*
19 *of project studies study reports by all entities. The guidelines shall*
20 *address the development of reliable cost estimates differentiate*
21 *project study report requirements for projects proposed to be*
22 *funded from the State Highway Operation and Protection Program,*
23 *the State Transportation Improvement Program, or exclusively*
24 *from a regional or local funding source. The department shall*
25 *submit the draft revised guidelines to the California Transportation*
26 *Commission not later than July 1, 1991 2012. The commission*
27 *shall adopt the final guidelines not later than October 1, 1991 2012.*
28 *Guidelines adopted by the commission shall apply only to project*
29 *studies study reports commenced after October 1, 1991 adoption*
30 *of the guidelines.*

31 ~~SECTION 1. Section 8879.61 of the Government Code is~~
32 ~~amended to read:~~

33 ~~8879.61. (a) (1) Except as provided in paragraph (2), entities~~
34 ~~described in subdivisions (a), (b), and (c) of Section 8879.57~~
35 ~~receiving an allocation of funds pursuant to this article shall expend~~
36 ~~those funds within three fiscal years of the fiscal year in which the~~
37 ~~funds were allocated. Funds remaining unexpended thereafter shall~~
38 ~~revert to the California Emergency Management Agency, as~~
39 ~~applicable, for reallocation under this article in subsequent fiscal~~
40 ~~years.~~

1 ~~(2) Notwithstanding paragraph (1), for an allocation of funds~~
2 ~~made prior to June 30, 2011, to an entity described in subdivisions~~
3 ~~(a), (b), and (c) of Section 8879.57, that entity shall expend those~~
4 ~~funds within four fiscal years of the fiscal year in which the funds~~
5 ~~were allocated. Funds remaining unexpended thereafter shall revert~~
6 ~~as provided in paragraph (1).~~

7 ~~(b) Entities that receive grant awards from funds allocated~~
8 ~~pursuant to subdivisions (b) or (c) of Section 8879.57 are not~~
9 ~~eligible to receive awards from the funds allocated pursuant to~~
10 ~~subdivision (a) of Section 8879.57.~~

11 ~~(c) Funds appropriated for the program established by this article~~
12 ~~in the Budget Act of 2007 shall be allocated consistent with the~~
13 ~~allocation schedule established in Section 8879.57.~~

14 ~~SEC. 2. This act is an urgency statute necessary for the~~
15 ~~immediate preservation of the public peace, health, or safety within~~
16 ~~the meaning of Article IV of the Constitution and shall go into~~
17 ~~immediate effect. The facts constituting the necessity are:~~

18 ~~In order to ensure that public transit agencies have sufficient~~
19 ~~time to complete critical projects using certain transportation bond~~
20 ~~funds, it is necessary that this act take effect immediately.~~